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CONFIDENTIAL

69-3957

OGC 69-1401

30 July 1969

OGC Has Reviewed

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Transcript of Ervin Hearing

1. This memorandum contains a recommendation in paragraph 5 for approval by the Director of Central Intelligence.

2. We have gone through the transcript of your 22 July 1969 appearance before Senator Ervin's Subcommittee, with special attention to Senator Ervin's request that the transcript be printed. You said, "I think it would be a very difficult text to edit in these terms, Mr. Chairman. I would like to simply ask your indulgence and not have it printed up." (Page 91.) Senator Ervin later said, "I am going to at least ask to let us submit a copy of the transcript to you and if you can indicate the parts that would not jeopardize the national security, leave that, and then have the other not printed," You replied, "All right, sir." (Page 93.) We think this answer was taken by Senator Ervin as agreeing to deletions and publication.

3. It is quite true that there are many individual statements which do not involve security. On the other hand, there are specific answers to questions which I would consider classified. The trouble is they are all part of one theme. If we print the portion which contains our most specific and serious objections to the Ervin bill, we thereby publish a blueprint for future harassment of the Agency. If we eliminate those portions we thereby lose any forceful grounds for exemption from the bill.

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Excluded from automatic downgrading and declassification

MORI/CDF Pages 1,2 & 5.

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4. I believe our position should be that we foresaw this situation when we said we could testify only in executive session and we understood that the Chairman's offer of the executive session was based on this position. Therefore, we believe the transcript should not be published in any part.

5. Before replying to Senator Ervin along this line, I recommend that the Legislative Counsel alert Senator Stennis to the problem and that you personally see Senator Eastland, not only to give him our position on the transcript, but also to discuss possible action in the full committee for exemption of the intelligence community. 25X1

[redacted]

LAWRENCE R. HOUSTON
General Counsel

Attachment
Hearing Transcript

The recommendation in
paragraph 5 is approved

25X1

[redacted]

Director of Central Intelligence

31 JUL 1969
Date

Distribution:
O-Legislative Counsel
1-The Director
1-DDCI
1-Executive Director
1-ER
1-General Counsel

OGC:LRH:jeb

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TO	NAME AND ADDRESS	DATE	INITIALS
1	Mr. Houston		
2			
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4			
5			
6			

	ACTION		DIRECT REPLY		PREPARE REPLY
	APPROVAL		DISPATCH		RECOMMENDATION
	COMMENT		FILE		RETURN
	CONCURRENCE		INFORMATION		SIGNATURE

Remarks:

I have attached a copy of the Journal item relating to my conversations with Mr. Baskir. As you will note, no deadline was established for return of our corrections and he and I are operating on the assumption that this copy may be retained by the Agency. He will provide two additional copies for our use if possible later in the week.

25X1

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.	DATE
OLC 7D35	7-24-69

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EXCERPT FROM JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

23 July 1969

25X1

13. [redacted] Met with Lawrence Baskir, Staff Director, Senator Ervin's Subcommittee on Constitutional Rights, and received from him a copy of the transcript of the Director's appearance before the Subcommittee on Tuesday, 22 July. It was agreed, unless other considerations are interposed later by Chairman Ervin, that this copy will be retained by the Agency and at such time as corrections are completed they will be transferred to the Subcommittee's master copy. No deadline was set for return of Agency corrections. On the matter of deadline, Mr. Baskir noted partially in jest that "since the Agency is obviously reluctant to publish the hearing" he would not set a date on his own authority.

I talked to Mr. Baskir later in the day concerning the classification of the transcript. Mr. Baskir advised that he would stamp the Subcommittee's copy "Confidential" and treat it as classified material. He also advised that he is ordering additional copies for the Subcommittee and will try to provide two additional copies for Agency use.

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